HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1803 of 2007

PETITIONER : Pitambar Sao, S/o Khem Prasad Sao, Aged about 35 years, Assistant Teacher, Govt. Primary School Usrout Block-Raigarh, Distt. Raigarh [C.G.]

VERSUS

RESPONDENTS :
1. State of Chhattisgarh Through : Secretary Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Director, Public instructions, D.K.S. Bhawan, Raipur (C.G.)
3. Joint Director, Public Instructions Division, Raigarh (C.G.)
4. District Education Officer Distt. Raigarh (C.G.)
5. Block Education Officer Block Raigarh Distt. Raigarh [C.G.]

Present: Shri Sanjay Patel, Advocate for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State/respondents.

ORDER
(Passed on 28th of March, 2007)

1. By this petition under Articles 226 of the Constitution of India, the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in

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Original Application No.2475 of 1998 (*Madhukant Yadu and 56 others vs. State of M.P. and others*) 24.08.1992.

2. Learned counsel appearing for the parties jointly submit that the facts and question of law involved in the present writ petition is similar to that of W.P. (S) No. 5784 of 2006 (Milap Ram Daharia and Others vs. State of Chhattisgarh & Others), which has been disposed of by this Court by order dated 27.10.2006.

3. The case of the petitioner is that he was appointed as Assistant Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioner was regularized, but, he was not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioner made several representations to accord the same treatment as he is also similarly situated teacher, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioner and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State

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Administrative Tribunal dated 31-1-2000, to which learned counsel for the respondents/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make a representation within a period of two weeks from today to respondent No.1, raising all his grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioner and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioner stands on the same footings, as the petitioners in the Original Application No.1452 of 1998, then he be also sanctioned the same pay-scale and seniority.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit